

**Minutes of Meeting
Grafton Planning Board
April 7, 2008**

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A regular meeting of the Grafton Planning Board was held on Monday, April 7, 2008 in Conference Room A at the Grafton Municipal Center, 30 Providence Road, Grafton, MA. Present for the meeting were Chairman Peter Parsons, Vice-Chairman, Robert Hassinger, Clerk Keith Regan, and Associate Member Christophe G. Courchesne. Absent from the meeting were Donald Chouinard and Richard McCarthy. Staff present was Town Planner, Stephen Bishop and Assistant Planner Ann Morgan.

Chairman Parsons called the meeting to order at 7:02 p.m.

SP 2008-5 GRAFTON GIRLS SOFTBALL ASSOCIATION, INC. (APPLICANT)
- NELSON PARK 6 PRENTICE STREET - FIELD HOUSE

Mr. Regan read the legal notice and Chairman Parsons opened the public hearing at 7:03 p.m.

Chairman Parsons appointed Mr. Courchesne as a voting member for this Special Permit/Site Plan application.

Present for the hearing were Peter Cardoza, Vice President and Michael Roy, President of Grafton Girls Softball Association, Inc.

Mr. Bishop recapped the pre-hearing presentation/discussion made to the Board at the February 25th Planning Board meeting, stating there were two outstanding items to be addressed which included the Building Inspectors memo concerning the ADA compliance of the bathrooms within the Field House and parking. Mr. Bishop also read the Board of Selectmen vote approving the project.

Mr. Hassinger noted that the Board of Selectmen had voted on April 2 to endorse and allow the project to move forward.

Mr. Cardoza again reviewed the project for the Board, adding that all labor and materials would be donated locally, including parental time; and adding the field house will consist of a storage room, concession stand, and 2 restrooms. The concession stand will have a refrigerator and freezer and will be roughed in for additional appliances for any future needs. Mr. Cardoza noted the building will be donated to the Town to use as it sees fit and that the Nelson Park Library Trustees would be accepting responsibility for the ongoing upkeep of the building including utility and cleaning. Mr. Cardoza stated they had submitted a copy of a letter from the Board of Selectmen stating their approval of the project.

Mr. Cardoza informed the Board that he would also like to submit into the record a copy of a Tree Care Proposal from Bartlett Tree Experts, addressing the concerns of the impact of the proposed sewer line to the trees and the general care/preservation of the trees in the park area.

Mr. Cardoza stated the parking would continue on the large grassy area across the street as it has in the past.

Mr. Regan asked Mr. Cardoza if the police have given them any safety recommendations in addition to the response memo submitted. Mr. Cardoza stated the police had denied the ability to use a civilian crossing guard, but had suggested they obtain a flashing light cone placed at the crosswalk.

Jeffrey Turgeon of 17 Nelson Street spoke to the Board with his concerns of being the abutter closest to the project. Mr. Turgeon noted he opposed the project only and not the use of the field for the sports games, acknowledging that the sports teams, specifically the Girls Softball Association had taken great care in the use of the park which was appreciated. Mr. Turgeon requested the Board consider the following concerns with regard to the proposed project: the financial burden on the Town and Trustees for another building with its existing financial budget crisis; consideration of using the existing bathroom facilities at the library and additional porta-potties, the availability of Braddish's stand across the street for concession needs; the hardship/danger of having a water, sewer & electrical trench running ten feet from his home and the effect on his school age children, one of whom is blind; the random parking habits of those attending the field with regard to the abutters properties; the unknown problems resulting from digging underground, from which he has had a flooded basement resulting from past digging; request for underground surveying prior to digging any trenches; and general maintenance and repair problems for an already understaffed Department of Public Works.

David Glispin of 238 Brigham Hill Road noted that if a resident purchases a home near a Town park or recreation area, then they should expect that that area will be used for that purpose and it will progress as the Town grows. Mr. Glispin stated the Trustees were very logical to separate the sports park from the library and the Town should be thankful for receiving this benefit at no cost to them.

Mr. Regan asked Mr. Bishop if there were any requirements within the Town regulations for surveying underground work for possible problems. Mr. Bishop stated that it was part of the construction process and falls under the "dig safe" regulations.

Catherine Fenton of 21 Nelson Street, abutter and Trustee of the Nelson Park & Library, informed the Board that the bathrooms are open during the games, that the Recreation Department has keys to the facilities, and they do all they can to accommodate persons at the field.

Mr. Hassinger questioned whether the Trustees worked well with the Town Committees in scheduling use of the facilities, since one of his Committees had experienced some negative feedback in trying to schedule meetings at the library in the past.

Ms. Fenton explained to the Board that although the bathrooms are made available, parents are reluctant to allow the children to use them, since they are located in the rear of the library and there is no visibility of the area from the park.

Mr. Parsons asked Ms. Fenton her thoughts on the esthetics of the field house with “real bathrooms” versus an added number of “porta-potties”. Ms. Fenton answered there is no question in the preference and added that the storage building has been there “forever” and did not meet the needs of the park any longer. Ms. Fenton added the Trustees would be having the maintenance person from the library take on the responsibility of the new bathrooms and additional care and maintenance of the field house. Ms. Fenton also noted that she has seen no problems with the parking use of the grassy area across the street.

Roger Currier of 3 Matthew Circle, a Trustee of Nelson Park, informed the Board that the value of the construction work and materials donated to the Town far outweigh the yearly maintenance cost for the Field House benefits and that anyone not abiding by the rules will not be allowed to return or use the field again. Mr. Currier noted that the Trustees typically run the show and book all the scheduled uses of the park.

Chairman Parsons asked what the operating expenses would be with the current porta-potties plus four more. Mr. Roy stated the Town, specifically the Recreation Department, pays for the porta-potties at the cost of \$225.00 per pottie, per week, totaling about \$1,000.00 per week if four more are added.

Chris Dunphy, who runs the Grafton Woman’s Softball League, stated the facility would be a great asset to the park for all who use the field and that they have consistently tried to keep the costs low for the league to continue using the field.

Jay Magill of 215 Magill Drive informed the Board that he had spoken with the Sewer Department and they have assured him he will be able to connect with the sewer stub at this location and will run about 300 to 350 feet along the street with interval cleanouts.

Mr. Hassinger asked Mr. Cardoza to clarify who actually owns the park, since there has been some discrepancies in the past concerning ownership. Mr. Cardoza stated the Town owns the park

Mr. Hassinger also asked the applicant if he had seen the memo, dated March 24, 2008, from Robert Berger, Building Inspector, concerning the requirement that the restrooms are ADA compliant. In his memo the Building Inspector stated that as ADA

Enforcement Officer the applicant will be required to have the public toilet facility serviced by an accessible route defined under 521 CMR. Mr. Berger also notes that due

to the request for a waiver of the site plan review and a traffic study, this issue is not addressed within the application package filed.

Daniel Page of 45 Maple Avenue, South Grafton informed the Board that the plan does not show any defined solid accessible route to the restrooms since the Field House is in the middle of a field, but that the building and restrooms are ADA compliant.

Mr. Hassinger reminded the applicant that the ADA Enforcement Officer will need to be satisfied on this issue.

Mr. Bishop remarked that this issue will fall within the building permit process and the plans will need to address this with the Building Inspector.

Mr. Regan asked if a person could traverse a satisfactory route from the handicapped space to the public restrooms and was told that the area was pretty much all grass and no hard surfaces.

Mr. Courchesne noted that it was not the purview of the Planning Board to determine what is possible and this remains a Building Inspector issue.

The Board noted also that none of the porta-potties at the field now are ADA compliant.

MOTION by Mr. Regan, **SECOND** by Mr. Hassinger, to close the public hearing. **MOTION** carried unanimously 4 to 0.

MOTION by Mr. Regan, **SECOND** by Mr. Courchesne, to direct Staff to draft a decision, taking into consideration all the information received and the findings and conditions discussed. **MOTION** carried unanimously 4 to 0.

Mr. Hassinger noted that the Board should have decided on the requested waiver before closing the public hearing.

**SP 2008-2 TOWN OF GRAFTON – RIVERVIEW PARK – OFF 176
PROVIDENCE – ATHLETIC FIELD – PLAYGROUND AREA – GRAVEL
DRIVE – PARKING LOT**

Chairman Parsons opened the public hearing at 8:20 p.m.

Mr. Bishop updated the Board on the status of the application since the last hearing, stating that the draft agreement for the Town parcel was still before Town Counsel, specifically concerning whether property described as premises meets the definition of premises and the debated issue regarding the use on a pre-existing, non-conforming lot.

Mr. Bishop remarked that Town Counsel had advised the issue of frontage be put before the Zoning Board of Appeals for a determination.

Mr. Bishop noted a letter had been received from Town Administrator, Natalie Lashmit requesting on behalf of the Town of Grafton that the Planning Board continue the public hearing to its June 9, 2008 meeting to allow the Town to undertake Town Counsel's recommended course of action.

MOTION by Mr. Courchesne, **SECOND** by Mr. Regan, to grant the Town Administrator's written request, on behalf of the Town, to continue the public hearing to June 9, 2008 at 7:00 p.m.

DISCUSSION: Mr. Hassinger suggested the Planning Board move forward and issue the permit and then let the Building Inspector send the applicant before the Zoning Board of Appeals for a determination.

Mr. Bishop noted it was probably not prudent for the Planning Board to act independently of the Zoning Board of Appeals, since the applicant needs to conform to the Zoning By-law and that Town Counsel had preferred to have the application reviewed by the Zoning Board of Appeals.

Mr. Courchesne stated the Planning Board needed to take the position its usually does in keeping the public hearing open to complete the process of receiving any additional information that could affect its decision and that all concerns are noted by the Planning Board.

MOTION carried unanimously 4 to 0.

SP 2008-4 EXCLUSIVE PROPERTIES, LLC (APPLICANT/OWNER) – 309 PROVIDENCE ROAD – 6 MULTI-FAMILY UNITS TO AN EXISTING 3 MULTI-FAMILY SITE

Mr. Regan read the legal notice and Chairman Parsons opened the public hearing at 8:28 p.m.

Chairman Parsons appointed Mr. Courchesne a voting member for the special permit.

Present for the hearing were owners/applicants, Ronald Henault and James Collette of Exclusive Properties, LLC and their engineer John Grenier of J. M. Grenier Associates.

Mr. Bishop informed the Board that there had been an extensive review letter comments received from Graves Engineering, Inc. with regard to the submitted application package, specifically frontage within the Water Protection Overlay District not shown on the plans; no architectural plans; by-law violations of calculated parking and parking spaces; hydrology and stormwater calculation problems, and general engineering issues. Mr. Bishop also noted that Graves Engineering has requested additional information from the Grafton Fire Chief with regard to issues with fire hydrants and building accessibility.

Mr. Hassinger stated he was unhappy with the locus provided with the reduced size plans the Board received in their application packages.

Chairman Parsons confirmed with Mr. Bishop the Board's possible actions of acceptance of the application or determine the application a deficient submission.

Mr. Bishop informed the Board that the Board can move forward with the application with the premise that all deficiencies noted in the Graves Engineering review letter are answered and acknowledged by Graves Engineering. Mr. Hassinger noted that there appeared to be significant changes needed in the plan submitted, and the applicant was dealing with ledge and substantial cuts.

John Grenier of J. M. Grenier Associates asked the Board about members absent from the Board this evening being able to vote on the permit.

Mr. Bishop stated the Board would be invoking the Mullin rule with the meeting being taped this evening, allowing the missing members to view the tape.

Mr. Grenier stated that he would be responding to the comments from Graves Engineering and would like to request a continuance for the hearing.

MOTION by Mr. Courchesne, **SECOND** by Mr. Hassinger, to grant the petitioner's written request to continue the public hearing to May 19, 2008 at 7:00 p.m.

AMENDED MOTION by Mr. Regan, **SECOND** by Mr. Courchesne, to grant the petitioner's written request to continue the public hearing without taking any testimony, to May 19, 2008 at 7:00 p.m. **MOTION** carried unanimously 4 to 0.

**ZBL 2008-1 – THE CREATION OF A NEW SECTION 11 – CHAPTER 43D
PRIORITY DEVELOPMENT OVERLAY DISTRICT (PDOD)**

**ZBL 2008-2 – VARIOUS TECHNICAL AMENDMENTS AND MINOR
SUBSTANTIVE CHANGES TO SECTIONS 1, 2,3,4,5 AND 7 OF THE ZONING
BY-LAW**

Mr. Regan read the legal notice and Chairman Parsons opened the public hearing at 8:42 p.m.

Mr. Bishop stated the Section 11, Chapter 43D was the expedited permitting law accepted by Town Meeting with regard to land situated at 150 Westborough Road and CenTech Park, Lot 3 and CenTech Park, Lot 7. Mr. Bishop added that the coordination of the by-law requires the Board of Selectmen to oversee the process within the framework of 180 days, which may or may not be altered.

The Board discussed how these amendments will be presented on the warrant and by whom.

Mr. Regan questioned what will happen if the amendments don't get passed at Town Meeting. Mr. Bishop noted this would be new territory and was an interesting point. Mr. Regan pointed out that much of this work will fall on the Planning Board and Staff and asked Mr. Bishop if he was comfortable with this process and what will need to be done. Mr. Bishop added that much of the process will be handled as a project plan review and special permit process.

Jean Poteete, representing Tufts University, informed the Board that due to the absence of their attorney, Robert Sudmyer, she had a few concerns on the language in the proposed amendments. Ms. Poteete asked about the preservation of their requirements within Section 9 concerning materials and completeness. Mr. Bishop noted it is not the intent of the proposed amendments to affect the requirements of the underlying zones and permitting through the project plan review process. Ms. Poteete requested the Board consider leaving the hearing for ZBL 2008-1 open until Attorney Sudmyer can present his proposed language changes.

Mr. Courchesne wished to note the conflict of interest with his wife at Tufts University, but wanted to present his comments as a general citizen of the Town, stating he would suggest striking everything after the semicolon to the last sentence under Section 11.1 Purpose to eliminate the confusion.

Ms. Poteete also requested the Board to leave the hearing open for the ZBL 2008-2 public hearing due to some ambiguity with the hazardous materials definitions under the use regulation schedule and any other language modifications that may be submitted by Attorney Sudmyer.

The Board requested Staff to have Town Counsel prepare a final update of the proposed amendment changes for their review before the next public hearing. Mr. Regan suggested some sort of abbreviated packet be prepared for Town Meeting to distribute to the public, preferably one page, so voters will have a clear idea of what exactly is being voted on.

Mr. Courchesne suggested an abbreviated annotation of one page along with the Planning Board report for Town Meeting, which would be easily reviewed by the voters.

MOTION by Mr. Regan, **SECOND** by Mr. Hassinger, to continue the public hearing to April 28, 2008 at 7:00 p.m. **MOTION** carried unanimously 3 to 0.

**ACTION ITEM 2-A – APPROVAL NOT REQUIRED PLAN (ANR 2008-7) –
DAVID MASON – BROWNS ROAD & UPTON STREET**

Mr. Bishop informed the Board they should have received in their mailboxes correspondence with a number of comments from Attorney Laura Mann and copies of the latest response from Town Counsel, which speaks to the eligibility of endorsement. Mr.

Bishop noted there has been some internal confusion with this ANR, specifically within the Clerk's office and with the DPW Superintendent.

Attorney Francis Russell, representing the Estate of Mary Lois Pease, wished to note that Browns Road had been clearly voted a public way at Town Meeting, which is considered the Town governing body.

MOTION by Mr. Regan, **SECOND** by Mr. Hassinger, to endorse ANR 2008-7 and to authorize the Town Planner to sign the plan on behalf of the Planning Board. **MOTION** carried unanimously 3 to 0.

ACTION ITEM 2-B – CONSIDER DECISION – SP 2008-3 – EDWARD HAGARTY – 14 BROOKMEADOW LANE – ACCESSORY APARTMENT

Due to the absence of two voting members for SP 2008-3, Mr. Bishop suggested the Board were within their parameters to appoint Mr. Courchesne a voting member since he had been in attendance at all of the public hearings.

Chairman Parsons appointed Mr. Courchesne a voting member for Special Permit SP 2008-3.

MOTION by Mr. Courchesne, **SECOND** by Mr. Hassinger, to replace Findings F23 & F24 with Findings F28 & F29 since the content was basically the same and to approve the renumbered Findings F1 through F27. **MOTION** carried unanimously by roll call vote: Hassinger-aye; Parsons-aye; Regan-aye; Courchesne-aye.

MOTION by Mr. Courchesne, **SECOND** by Mr. Regan, to grant Waivers W1 through W3. **MOTION** carried unanimously by roll call vote: Hassinger-aye; Parsons-aye; Regan-aye; Courchesne-aye.

MOTION by Mr. Courchesne, **SECOND** by Mr. Regan, to grant Special Permit SP 2008-3 with the Findings and Conditions as discussed and amended. **MOTION** carried unanimously by roll call vote: Hassinger-aye; Parsons-aye; Regan-aye; Courchesne-aye.

MOTION by Chairman Parsons requesting the Board consider taking correspondence from the Board of Selectmen regarding a Planning Board recommendation on a Chapter 61A withdrawal for 13.5 acres on 33 Follette Street, as an **Emergency Item** for the convenience of the Town.

DISCUSSION: The Planning Board noted there has been no communication through the Planning Office from the Board of Selectmen on this matter other than Chairman Parsons's mail receipt at his home.

Mr. Hassinger suggested Staff drafting a very clear letter to the Board of Selectmen with regard to this policy, specifically noting the time lapse which occurs from the time the Purchase and Sale Agreement takes place and when the Board is actually notified and required to make a recommendation.

SECOND by Mr. Regan. **MOTION** carried unanimously by roll call vote: Hassinger-aye; Parsons-aye; Regan-aye.

The Board discussed the purchase of the 13.5 acres of land and premises at 33 Follette Street by the Grafton Water District from the Armenian Church of Our Savior for the amount of \$650,000.00.

Mr. Regan noted the land was near a water conservation area and the possibility of developing the frontage lots.

MOTION by Mr. Regan, **SECOND** by Mr. Hassinger to recommend the Town not exercise the option to purchase this property noting the Town's current fiscal situation and the concern for protecting a public water supply. **MOTION** carried unanimously by roll call vote: Hassinger-aye; Parsons-aye; Regan-aye.

MOTION by Mr. Regan, **SECOND** by Mr. Hassinger, to draft a letter to the Board of Selectmen requesting improvement on the policy of the Chapter 61 procedure, specifically requesting concurrent Staff and Chairman notification, recognizing the Planning Board's meeting schedule of maximizing available time with prompt notification of time sensitive information. **MOTION** carried unanimously.

MINUTES OF PREVIOUS MEETINGS

MOTION by Mr. Regan, **SECOND** by Mr. Hassinger, to approve the open session minutes of March 10, 2008 as drafted. **MOTION** carried unanimously.

MOTION by Mr. Regan, **SECOND** by Mr. Hassinger, to approve the open session minutes of March 24, 2008 as drafted. **MOTION** carried unanimously.

Chairman Parsons noted he needed a motion to extend the meeting beyond 10:00 p.m.

MOTION by Mr. Hassinger, **SECOND** by Mr. Regan, to extend the meeting beyond 10:00 p.m. **MOTION** carried unanimously.

Mr. Courchesne informed Chairman Parsons the Affordable Housing Committee would like to be placed on a May Planning Board meeting agenda for a discussion.

Chairman Parsons received unanimous consent to place the Affordable Housing Committee on the May agenda as a Discussion item.

STAFF REPORT

“Ferry Ridge Estates” Subdivision – Mr. Bishop informed the Board that their application for the proposed revised drainage was subsequently before the D.E.P., along with the information concerning the issues and associated plans, in hopes of receiving approval on the project.

“Magnolia Farms” Subdivision – Mr. Bishop noted the Scope of Work was moving along and Webster Bank will be before the Board on April 28 requesting the extension of the construction deadline for the project. Mr. Bishop added that Mr. Moloney was no longer being considered for the project, since he had defaulted on another public project.

Mr. Bishop informed the Board that the Project Notification Form for the E.P.A. Grant in Washington, D.C. to expedite environmental assessment, had been completed and sent off.

Mr. Bishop noted the South Grafton Initiative project was moving slowly forward.

Mr. Bishop briefly reviewed the situation for the Budget, stating there appear to be dire forecasts if the deficit is not met and that there will be a meeting Wednesday in the gymnasium with the Town Administrator/Board of Selectmen, School Committee and the Finance Committee.

Mr. Regan suggested there is a need to get the message out as to why the Assistant Planner position is such an asset to the Planning Department and Town aside from just assistance with subdivisions and permitting.

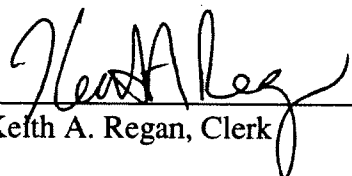
Mr. Hassinger noted the Budget reflects the needs of the entire community, not just a few.

Mr. Hassinger noted with regard to CMRPC, more will be heard concerning the Zoning Reform Act.

Mr. Regan stated the Community Preservation Committee will be having a public hearing tomorrow night with regard to the proposed funding articles.

MOTION by Mr. Regan, **SECOND** by Mr. Hassinger, to adjourn the meeting.
MOTION carried unanimously.

The meeting was adjourned at 10:30 p.m.



Keith A. Regan, Clerk